

# Cameras in Court

## AMENDED RULE

Rule 980 of the California Rules of Court—which specifies the conditions under which electronic media coverage is permitted in state courtrooms—was amended, effective January 1, 1997. After considering the final report and recommendations of the Task Force on Photographing, Recording, and Broadcasting in the Courtroom, the Judicial Council on May 17, 1996, voted to retain judicial discretion over the use of cameras in state courts. The rule:

- leaves discretion to judges over the use of cameras in all areas, including all pretrial hearings in criminal cases;
- prohibits camera coverage of jury selection, jurors, or spectators in the courtroom; and
- lists 18 factors a judge must consider in ruling on a request for camera coverage, including the importance of maintaining public access to the courtroom, preserving the privacy rights of the participants in the proceedings, and considering the effect on the parties' ability to select an unbiased jury.

Cameras will continue to be banned from proceedings held in chambers or closed to the public; conferences between an attorney and a client, witness, or aide or between attorneys; and conferences between counsel and the judge at the bench.

## HISTORY OF RULE

The Judicial Council first adopted rule 980 on

## GUIDELINES AVAILABLE

A guidebook, *Photographing, Recording, and Broadcasting in the Courtroom: Guidelines for Judicial Officers*, explains the latest measures governing media presence in the courtroom. Copies of the booklet are available from the Administrative Office of the Courts, Publications Hotline, 415-865-7738 or 800-900-5980 (within California), and under the "Reference" section on the California Courts Web site, [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

November 9, 1965. The rule prohibited photographing, recording, and broadcasting in the courtroom during sessions or recesses, but exceptions were made for media coverage during ceremonial proceedings and before and after daily court sessions. In 1966, at the request of the Assembly Interim Committee on Fair Trial and Free Press, the council adopted temporary rule 981, which permitted a limited number of experiments in courtroom photography for use in connection with the committee's studies. In 1979, the Special Committee on the Courts and the Media was appointed to consider the question of media coverage of court proceedings. The council adopted an experimental rule specifying a trial period of film and electronic coverage beginning on July 1, 1980, after which the effects of film and electronic media coverage were evaluated. This study culminated in the adoption of new rule 980 of the California Rules of Court, which allowed film and electronic media coverage of criminal and civil courtroom proceedings at the trial and appellate levels. The new rule took effect on July 1, 1984.

In October 1995, after nearly a decade in existence, rule 980 again came under examination by the Judicial Council when the 13-member task force was appointed by then–Chief Justice Malcolm M. Lucas and charged with evaluating:

- whether rule 980 should be amended;
- if criteria to be applied by the court in determining whether to allow film and electronic equipment in courtrooms should be revised;
- whether film and electronic media coverage should be prohibited in all state court proceedings, in certain types of proceedings, or in certain portions of proceedings;
- whether there should be an expansion of the circumstances under which film and electronic media coverage of state court proceedings is now permitted; and
- the criteria for the operation of cameras and other electronic recording equipment, including pool cameras, in courtrooms.

## CAREFUL STUDY

The task force gave thorough consideration to the

### OTHER STATES' POLICIES

Most states have laws—permanent, experimental, or a mix—concerning cameras in the courtroom. Some allow such coverage only at the appellate level; others allow coverage of only certain types of cases. Two states—Mississippi and South Dakota—do not permit cameras in court. In 1996, the Judicial Conference of the United States, which reviewed the issue as the policy-setting group for the federal courts, agreed to allow each of the 13 federal appeals courts to decide for itself whether to allow television and radio coverage of appellate hearings.

success and shortcomings of the rule and garnered the input of the bench, the bar, the public, and news media organizations. The task force's draft recommendations were based on extensive research that included a statewide survey of judges, public defenders, and prosecutors; comments from many bar groups; a public hearing on the issue; and scores of letters, telephone calls, reports, newspaper and journal articles, previously conducted studies, and other information.

## EFFECTS OF RULE 980

Data collected by the Administrative Office of the Courts after enactment of rule 980 indicate that:

- Courts grant the majority of requests for media coverage.
- Courts are more likely to grant a request for coverage if the media adhere to the 5-day notice rule contained in Form MC-500.
- The largest proportion of requests for media coverage has been for arraignments. The second most common request has been to cover verdicts and sentencing.
- Neither the type of media equipment nor the type of proceeding requested for media coverage seems to have any effect on whether the court will grant permission.

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The 27-member Judicial Council is the governing body of the California courts, the largest and busiest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts serves as the staff agency to the council.